IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.13930 of 1998

Between:

1 Ch. V. Rama Krishna, S/o Manga Rao,
R/o 32-4-15, Rajahmundary,
E.G.Dist Vehicle No. AP.5/T.3346 & AP.31/T.7462
2 K. Venkata Raju, S/o Brahmam
R/o Rajahmundary, East Godavari Dist.
Vehicle No. AP.5/T.1387
3 Yanamandala Lakshmi, W/o Gopala Raju,
R/o Rajahmundary, E.G.Dist
Vehicle No. AP.16/W.3668
4 V.Venkata Reddy S/o.Venkata Reddy
R/o Rajahmundary, E.G.Dist
Vehicle No. AP.5/U.595
5 A. Veera Raju, S/o Bapi Raju,
R/o Kakinada E.G.Dist
Vehicle No. AP.5/X.659
6 P. Veera Reddy, S/o Satyanarayana Reddy,
R/o Marteru, E.G.Dist
Vehicle No. AP.37/T.7358
7 V. Suryanarayana, S/o Krishna Swamy,
R/o Rajahmundary, E.G.Dist
Vehicle No. AP.5/T.7866
8 P. Venkata Rao, S/o Narayana Murthy,
R/o Rajahmundary, E.G.Dist
Vehicle No. MP.23/B.0659
9 Smt P. Ramanamma, D/o Appa Rao,
R/o Narsipatnam, Visakhapatnam
Vehicle No. AP.31/T.4164
10 S. Narasimha Murthy, S/o Venkata Ramana Rao,
R/o Narsipatnam, Visakhapatnam
Vehicle No. AP.31/U.1238
11 Smt. A.V. Ramanamma, W/o Rama Rao,
R/o Rajahmundary , E.G.Dist.

Vehicle No. AP.5/U.1322 & AP.21/V.1818

12 Ch. Venkata Lakshmi, W/o Prabhakar Reddy,
R/o Rajahmundary , E.G.Dist.
Vehicle No. ABV/5166

13 A. Raja Rao, S/o Appala Swamy,
R/o Kakinada, E.G.Dist.
Vehicle No. CNE/3626

14 K. Rama Satyanadam, S/o Ganganna Choudary,
R/o Kakinada, E.G.Dist.
Vehicle No. AP.5/X.4113

15 J. Seetha Ramulu, S/o Venkata Ratnam,
R/o Rajahmundry, E.G.Dist.
Vehicle No. AP.5/U.1836

16 M.S. Prasad, S/o Subrahmanyam,
R/o Rayavaram, E.G.Dist.
Vehicle No. AP.5/X.3744

17 Mullapudi Srinivas, S/o Subrahmanyam Chowdary
R/o Rayavaram, E.G.Dist.
Vehicle No. AHP/4995

18 Mullapudi Ramgopal, S/o Subrahmanya Chowdary,
R/o Rayavaram, E.G.Dist.
Vehicle No. AP.5/X.4896

19 Smt. M. Pushpavathi, W/o Subrahmanya Chowdary,
R/o Rayavaram, E.G.Dist.
Vehicle No. AP.5/X.4995

..... PETITIONERS

AND

1 The Deputy Transport Commissioner & Secretary
R.T.A. Kakinada, E.G.Dist

2 The Regional Transport Officer & Asst. Secretary
R.T.A. Rajahmundary E.G.Dist

3 The Regional Transport Officer
R.T.A.., Bhimavaram W.G.Dist.

4 The Regional Transport Officer
R.T.A..,Anakapalle, Visakhapatnam Dist.

5 The Regional Transport Officer
R.T.A.., Vijayawada, Krishna Dist.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction preferably in the nature of the Writ of Mandamus to declare the action of the respondents in not permitting the petitioners herein to carry the gross vehicle weight of 8,770 Kgs for the petitioners 1 to 9 and 12,000 Kgs for the petitioners 10 to 13 and 14,000 Kgs for the petitioners 14 & 15 and 19,200 Kgs for the petitioners 16 to 19 as mentioned in the cause title as illegal, arbitrary and contrary to law, and further direct the respondents herein to permit the petitioners 1 to 9 to carry the gross vehicle weight as 8,770 kgs and for the petitioner 10 to 13 as 12,000 kgs and for the petitioners 14 & 15 as 14,000 Kgs and for the

petitioners 16 to 19 as 19,200 kgs in respect of their goods vehicles as mentioned in the cause title by entering the same in respective Registration Certificates of the said vehicles forthwith.

Counsel for the Petitioners: MR.V.RAMA KRISHNA

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORDER:

This writ petition is filed seeking to declare the action of the respondents in not permitting to carry the gross vehicle weight of 8,770 Kgs for the petitioners 1 to 9, 12,000 Kgs for the petitioners 10 to 13, 14,000 Kgs for the petitioners 14 and 15, and 19,200 Kgs for the petitioners 16 to 19 in respect of their goods vehicles as illegal and arbitrary.

When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioners and conceded by the learned Government Pleader for Transport that the subject matter of this writ petition is squarely covered by the judgment of the Apex

Court in

N. Venkateswara Rao vs. S.T.A.[1], wherein the Apex Court elaborately considered the matter and dismissed the appeals and the W.P.No.6211 of 1990 and batch, orders in which were challenged therein.

In the circumstances, following the above judgment, this Writ Petition is also dismissed for the same and similar reasons. No costs.

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N.V. RAMANA, J.

Date: 22.02.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Deputy Transport Commissioner & Secretary

R.T.A. Kakinada, E.G.Dist

2 The Regional Transport Officer & Asst. Secretary
R.T.A. Rajahmundary E.G.Dist

3 The Regional Transport Officer
R.T.A.., Bhimavaram W.G.Dist.

4 The Regional Transport Officer
R.T.A..,Anakapalle, Visakhapatnam Dist.

5 The Regional Transport Officer
R.T.A.., Vijayawada, Krishna Dist.

6 Two CCs to GP for Transport, High Court Buildings, Hyderabad

(OUT)

7 2 CD copies

*Form-NIC-OGS/WP{**KKG**}*